

REMARKS

Reconsideration of the application is requested.

Claim 16 remains in the application. Claim 16 is subject to examination. Claim 16 has been amended.

An RCE has been filed concurrently with this response.

Under the heading "Claim Rejections – 35 USC § 102" on page 2 of the above-identified Office Action, claim 16 has been rejected as being fully anticipated by U.S. Patent No. 5,400,072 to Izumi et al. under 35 U.S.C. § 102.

Claim 16 has been amended to specify that the base lens is disposed externally from the housing. Support for the change can be found by referring to Fig. 1, which shows, that the base lens 16 is disposed externally from the housing 13 of the semiconductor element 12.

The Examiner has equated the cylindrical lens holder 1 of the embodiment shown in Fig. 17A of Izumi et al. with the housing defined in claim 16. The Examiner has also equated the lens L4 of the embodiment shown in Fig. 17A of Izumi et al. with the base lens defined in claim 16.

Fig. 17A of Izumi et al. clearly shows that the lens L4, which rests on the projection 116 of the cylindrical lens holder 1, is disposed inside the cylindrical lens holder 1 (alleged housing). In contrast to the teaching in Izumi et al., however, claim 16 now specifies that the base lens is disposed externally from the housing, and that the collar of the base lens is directly supported on the ring-shaped support that is formed on the housing.

Applicants believe it is clear that the invention as now defined by claim 16 is not anticipated by the teaching in Izumi et al.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 16. Claim 16 is, therefore, believed to be patentable over the art.

In view of the foregoing, reconsideration and allowance of claim 16 is solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$490.00 in accordance with Section 1.17 is enclosed herewith.

Appl. No. 10/573,543  
Reply to Office Action of December 18, 2008  
Amdt. Dated May 15, 2009

Please charge any other fees that might be due with respect to Sections 1.16  
and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-  
1099.

Respectfully submitted,

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MPW:cgm

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